

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
YOUNAS HAJI,

Plaintiff,

v.

THE UNITED STATES OF AMERICA,
THE CITY OF NEW YORK, DRUG
ENFORCEMENT AGENCY SPECIAL
AGENTS ROBERT BARRETT, KATE
BARNARD, PAUL BUCHANAN, AND
UNKNOWN EMPLOYEES OF THE
UNITED STATES, NEW YORK STATE,
AND NEW YORK CITY,

Defendants.

ECF Case

No. 08 Civ. 2230 (TPG)(JCF)

**DECLARATION OF DRUG
ENFORCEMENT
ADMINISTRATION
SPECIAL AGENT
KATHERINE BARNARD**

Katherine Barnard, pursuant to 28 U.S.C. § 1746, declares the following
under penalty of perjury:

1. I am a Special Agent with the United States Drug Enforcement Administration ("DEA"), in Portland, Maine, where I have been employed for approximately eight years.
2. On or about July 24, 2006, a member of the New York Organized Crime Drug Enforcement Strike Force ("Strike Force"), a group within the DEA, contacted me and requested that I execute an arrest warrant for Mr. Younas Haji.
3. I subsequently received the arrest warrant by mail, along with a photograph of Mr. Haji. A true and correct copy of the arrest warrant is attached hereto as Exhibit A.
4. On Wednesday, July 26, 2006, I, along with my colleague, Special Agent Paul Buchanan, executed the warrant and arrested Mr. Haji.

5. On Thursday, July 27, 2006, I attended an identity hearing in Portland, Maine, to determine whether Younas Haji was the same individual named in the arrest warrant. Magistrate Judge David Cohen, United States District Court for the District of Maine, in Portland, Maine, found that Mr. Haji was the same individual named in the arrest warrant.
6. On Tuesday, August 1, 2006, I attended a detention hearing in Portland, Maine, where Mr. Haji appeared. Mr. Haji was released on an unsecured bond with conditions, and he was directed to appear in the Southern District of New York.
7. After the detention hearing on August 1, 2006, I had no further contact with Mr. Haji.
8. At no time during the course of my arrest of Mr. Haji, did I have reason to believe that the DEA had identified the wrong person. To the contrary, I was issued a valid arrest warrant, and member of the Strike Force requested that I execute the warrant. I had no reason to believe that there were any deficiencies with the arrest warrant, or that the warrant lacked probable cause.
9. I acted reasonably and believed in good faith that my actions were lawful during the events leading up to Mr. Haji's arrest.

Dated: July 31, 2008
Portland, Maine


KATHERINE BARNARD

EXHIBIT A

CR 12 (Rev. 5/03)

WARRANT FOR ARREST

United States District Court		DISTRICT SOUTHERN DISTRICT OF NEW YORK	
UNITED STATES OF AMERICA v. YOUNAS HAJI		DOCKET NO. 06000600	MAGISTRATE'S CASE NO. 0600
WARRANT ISSUED ON THE BASIS OF: <input checked="" type="checkbox"/> Indictment <input type="checkbox"/> Information <input type="checkbox"/> Complaint		NAME AND ADDRESS OF INDIVIDUAL TO BE ARRESTED YOUNAS HAJI	
TO: UNITED STATES MARSHAL OR ANY OTHER AUTHORIZED OFFICER		DISTRICT OF ARREST CITY	
YOU ARE HEREBY COMMANDED to arrest the above-named person and bring that person before the United States District Court to answer to the charge(s) listed below.			
DESCRIPTION OF CHARGES Conspiracy to distribute khat; conspiracy to import khat			
IN VIOLATION OF	UNITED STATES CODE TITLE 21	SECTION 846; 963	
BAIL	OTHER CONDITIONS OF RELEASE		
ORDERED BY THEODORE H. KATZ	SIGNATURE (FEDERAL JUDGE/U.S. MAGISTRATE) <i>S/ Theodore H. Katz</i>	DATE ORDERED JUL 19 2008	
CLERK OF COURT	(BY) DEPUTY CLERK	DATE ISSUED	
RETURN			
This warrant was received and executed with the arrest of the above-named person.			
DATE RECEIVED 7-24-06	NAME AND TITLE OF ARRESTING OFFICER SA Kale Barnard	SIGNATURE OF ARRESTING OFFICER <i>Kale Barnard</i>	
DATE EXECUTED 7-26-06			

Note: The arresting officer is directed to serve the attached copy of the charge on the defendant at the time this warrant is executed.